IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 1408 of 2005

Between:

Smt.G.Jayakumari, w/o Jaya Pratap,
R/o H.No.31-27-72, Vadlapudi, Kurmannapalem, Gajuwaka,
Visakhapatnam District.

..... PETITIONER

AND

1 The Visakhapatnam Steel Plant, rep., by the Special Grade Deputy Collector, Land Acquisition, Visakhapatnam.
2 The Commissioner, Gajuwaka Municipality, Visakhapatnam District.
3 The Mandal Revenue Officer, Gajuwaka Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, preferably to the nature of writ of mandamus declaring the action of the 1st respondent in not allotting the 84 sq.yards of site in which petitioner constructed 3 shops situated in Sy.No.28/1B of Vadlapudi, Gajuwaka, Visakhapatnam District on payment of market value as it is done in the case of other similar situated displaced persons by the 1st respondent vide Rc.No.420/97/B, dt.7-9-1997 and further action of the 2nd and 3rd respondents in trying to demolish the petitioner's shops without issuing any notice and without following due process of law as illegal, discriminatory violative of Article 14, 19, 21 and 300A of Constitution of India and consequently direct the respondents to allot the said site to the petitioner forthwith on payment of the market value.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.1: Mr. V. RAVINDER RAOD

Counsel for the Respondent No.2: Mr. S. NAGESWRA REDDY
Counsel for the Respondent NO.3: GP FOR REVENUE

The Court made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.1408 OF 2005

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ORDER :

This writ petition is filed seeking a declaration that the action of the 1st respondent in not allotting the site to an extent of 84 square yards in which the petitioner has constructed 3 shops situated in Sy.No.28/1B of Vadlapudi, Gajuwaka, Visakhapatnam District on payment of market value and further action of the respondents 2 and 3 in seeking to demolish the petitioner's shop without assigning any reasons as arbitrary and illegal.

The case of the petitioner is that her mother lost her property for the purpose of the construction of Visakhapatnam Steel Plant and as such she was issued Rehabilitation Card (R.card) bearing No.283 for the purpose of extending certain benefits like securing employment, providing house sites etc. Subsequently, the said R.card was transferred in favour of the petitioner and in pursuance thereof, the petitioner was allotted one cent of land in Sy.No.28/1B of Vadlapudi for running a STD Booth vide proceedings dated 27-11-1999. The petitioner states that since then she has been running the STD booth and that she has also developed the adjacent

site to an extent of 84 square yards wherein she has constructed three small shops for the purpose of running the business in Xerox as well as Fax Machine. Subsequently, she made a number of representations to the respondents for allotment of the said land in her favour. In pursuance thereof, the District Collector vide proceedings dated 30-06-2001 directed the third respondent – Mandal Revenue Officer, who in turn by letter dated 30-06-2001 forwarded the same to the Project Director, D.R.D.A. Thereafter, the Project Director, D.R.D.A. vide proceedings dated 16-02-2002 forwarded the representation of the petitioner for allotment of the Government land in Sy.No.28/1B/P, which is in her occupation along with the report of the Mandal Revenue Officer, Gajuvaka, dated 14-12-2001 for necessary action by the Special Deputy Collector, Land Acquisition, Steel Plant, Visakhapatnam.

It is stated that so far as similarly situated persons are concerned, the first respondent, on the basis of the representations made by them, has alienated the land in their occupation on payment of market value vide proceedings in Rc.No.420/97/B, dated 7-9-1997, but the request of the petitioner for extending similar benefit has not been considered so far. In the meanwhile the respondents 2 and 3 are taking steps to demolish the shops constructed by the petitioner. Hence, this writ petition.

Having heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondents and keeping in view that the application made by the petitioner is pending before the first respondent, the Writ Petition is disposed of with a direction to the first respondent to consider the representation made by the petitioner for allotting 84 square yards of land situated in Sy.No.28/1B of Vadlapudi, Gajuwaka, Visakhapatnam District in favour of the petitioner on payment of market value as was done in the case of similarly situated displaced persons and to pass appropriate orders in accordance with law within eight weeks from the date of receipt of this order. Till such time, the respondents 2 and 3 are directed not to interfere with the possession of the petitioner in respect of the shops in question.

The Writ Petition is accordingly disposed of. No costs.

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03rd February, 2005.

Note:- CC in one week.

(B/O)

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To

1 The Special Grade Deputy Collector, Visakhapatnam Steel Plant,
Land Acquisition, Visakhapatnam.
2 The Commissioner, Gajuwaka Municipality, Visakhapatnam District.
3 The Mandal Revenue Officer, Gajuwaka Mandal, Visakhapatnam District.

4 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5 2CD copies